

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

AKECHETA A. MORNINGSTAR, PH. D.

PLAINTIFF

v.

CAUSE NO. 3:23-CV-26-SA-RP

AMERICAN INTERNATIONAL GROUP

DEFENDANT

ORDER

On February 14, 2023, the Plaintiff, Akecheta A. Morningstar, initiated this lawsuit by filing his Complaint [1] against American International Group (“AIG”). The crux of the Complaint [1] is AIG’s allegedly wrongful failure to pay benefits pursuant to a life insurance policy. Morningstar also filed a Motion for Leave to Proceed *In Forma Pauperis* [2].

On March 20, 2023, Magistrate Judge Percy entered a Report and Recommendation [5], wherein he recommended that the Court deny Morningstar’s request to proceed *in forma pauperis* and dismiss the case for failure to state a non-frivolous claim. In the Report and Recommendation [5], Magistrate Judge Percy explained:

Here, . . . the Plaintiff’s Complaint, at best, makes multiple fantastical claims that cannot be discerned to give this court jurisdiction. The Plaintiff seeks to be paid from a life insurance policy for himself, claiming that he has died and been reborn as another person. Indeed, the Plaintiff claims to have the same social security number as the supposed deceased person.

[5] at p. 2.

Magistrate Judge Percy also noted that the Court previously dismissed a nearly identical complaint that Morningstar filed in January 2022 asserting essentially the same facts and causes of action. *See* N.D. Miss. Cause No. 3:22-CV-5-MPM-JMV. In that case, District Judge Mills, in

an order adopting a report and recommendation, referred to Morningstar's claims as "fantastical" and "frivolous" in nature. *See id.*, [11] at p. 2.

After recommending that this Court similarly dismiss the present Complaint [1] as frivolous, the Report and Recommendation [5] set forth the procedure for Morningstar to file an objection if he desired to do so.

On March 24, 2023, he did in fact file an Objection [6]. In his Objection [6], Morningstar reiterates his contention that he has died and been reborn as another person and that AIG has breached its contractual obligation to pay life insurance proceeds to him.

When a party files an objection to a Magistrate Judge's Report and Recommendation, the Court applies a *de novo* standard of review. *Ross v. Epps*, 2015 WL 5772196 at *1 (N.D. Miss. Sept. 30, 2015) (citing 28 U.S.C. § 636(b)(1)); *see also Wright v. Jackson Rental Properties, Inc.*, 2018 WL 287865 (N.D. Miss. Jan. 4, 2018) (applying *de novo* standard in this context). "The Court is not required, however, to reiterate the findings and conclusions of the Magistrate Judge[.]" *Saulsberry v. Astrue*, 2013 WL 5349147, at *1 (N.D. Miss. Sept. 23, 2013) (citing *Koetting v. Thompson*, 995 F.2d 37, 40 (5th Cir. 1993)).

The Court has fully reviewed the Objection [6] and all attachments. Having done so, the Court agrees with Magistrate Judge Percy's recommendation. The claims set forth in the Complaint [1] are indeed frivolous. They are due to be dismissed in accordance with Fifth Circuit precedent. *See, e.g., Alfred v. Corrections Corp.*, 437 F. App'x 281, 284 (5th Cir. 2011). The Court therefore ADOPTS IN FULL the Report and Recommendation [5]. This case is hereby DISMISSED, and the Motion to Proceed *in Forma Pauperis* [2] is DENIED.

SO ORDERED, this the 5th day of April, 2023.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE